

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

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Frank Staples, et al \*  
\*  
Plaintiffs, \*  
v. \* No. 1:24-cv-00331-LM-TSM  
\*  
Governor Christopher Sununu, et al \*  
\*  
Defendants. \*  
\*  
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**MOTION TO SET SINGLE DEADLINE FOR GOVERNOR AND ATTORNEY GENERAL TO ANSWER OR OTHERWISE PLEAD**

The New Hampshire Governor and the New Hampshire Attorney General, by and through the Office of the Attorney General, move to set a single deadline for them to answer or otherwise plead. In support of this motion, the Governor and the Attorney General state as follows:

1. The plaintiffs have filed a lawsuit against the Governor and the Attorney General, as well as Charles O’Leary, an official with the New Hampshire Department of Safety, and “72 John Does.” ECF Doc. No. 1.

2. On December 4, the plaintiffs filed a proof of service purportedly reflecting that the Governor was served in hand at the Executive Council meeting held that day. ECF Doc. No. 5.

3. The plaintiffs have not filed proofs of service with respect to any other defendants and, upon information and belief, have not requested that any other defendant waive service.

4. It is not clear that the effort to serve the Governor on December 4 constituted proper service of process under Federal Rule of Civil Procedure 4.

5. Nevertheless, the Governor and the Attorney General do not intend to contest service in this case and have file formal waivers of service contemporaneously with this motion.

6. Based on this waiver, the Attorney General's deadline to answer or otherwise plead is 60 days from today, or February 18, 2025. Fed. R. Civ. P. 4(d)(3).

7. Assuming *arguendo* that the Governor was served on December 4, his deadline to answer or otherwise plead is December 26. Fed. R. Civ. P. 12(a)(1)(A)(i); Fed. R. Civ. P. 6(a)(1)(C).

8. The Governor and the Attorney General will both be represented by the Civil Bureau of the New Hampshire Attorney General's Office in this matter.<sup>1</sup>

9. The Governor and the Attorney General ask that the Court issue an order setting a single deadline of February 18, 2025, for them to answer or otherwise plead.

10. This will avoid confusion and promote efficiency and judicial economy by allowing both defendants represented by the Civil Law Bureau to respond to the complaint simultaneously (and, potentially, jointly).

11. It will also provide time for the plaintiffs to serve Officer O'Leary or for Officer O'Leary to waive service.

12. On December 20, undersigned counsel sought the assent of each plaintiff by phone. Both plaintiffs indicated that they do not assent to the requested relief.

WHEREFORE, the Governor and Attorney General respectfully request that this Honorable Court:

- A. Issue an order setting a single deadline of **February 18, 2025** for them to answer or otherwise respond to the plaintiffs' complaint; and

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<sup>1</sup> To the extent the New Hampshire Attorney General's Office appears for Officer O'Leary in this matter, it will be through a different Bureau. Undersigned counsel does not represent Officer O'Leary in this matter.

B. Grant such other relief as the Court deems just and equitable.

Respectfully submitted,

GOVERNOR CHRISTOPHER SUNUNU and  
ATTORNEY GENERAL JOHN FORMELLA

By their attorney,

JOHN M. FORMELLA  
NEW HAMPSHIRE ATTORNEY GENERAL

Dated: December 20, 2024

/s/ Samuel Garland  
Samuel Garland, Bar #266273  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was sent this day by first class mail to each of the plaintiffs at the address listed in the CM/ECF docket.

/s/ Samuel Garland  
Samuel Garland